

12562 Transp.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-196368

DATE: January 16, 1980

MATTER OF: Kentucky Building Maintenance, Inc.

CNG 01906

DIGEST:

Low bidder's protest against cancellation of IFB set-aside for small business is dismissed, since protester has been determined by Small Business Administration to be other than small business, and thus is not "interested party" under GAO's Bid Protest Procedures.

Kentucky Building Maintenance, Inc. (KBM) protests the proposed cancellation of invitation for bids (IFB) No. DADA09-79-B-0047 issued by the Department of the Army for housekeeping services. KBM, the low bidder, contends that the Army's comparison of KBM's bid with the estimated cost of performing the services in-house, which resulted in the decision to cancel the solicitation, was erroneous. KBM also protests the Army's determination that the firm's bid was nonresponsive.

Our Bid Protest Procedures, 4 C.F.R. part 20 (1979), require that in order for a protest to be considered the protester be an "interested party." Whether that criterion is met is determined by the nature of the issues raised and the direct or indirect benefit or relief sought. ABC Management Services, Inc., 55 Comp. Gen. 397 (1975), 75-2 CPD 245. The instant IFB was a total small business set-aside, and we have been advised that the Small Business Administration has found KBM to be other than a small business concern for purposes of this procurement. Thus, KBM would not be eligible for award under the IFB even if the protest were sustained. Accordingly, we do not consider KBM an "interested party" to protest, and the matter is dismissed.

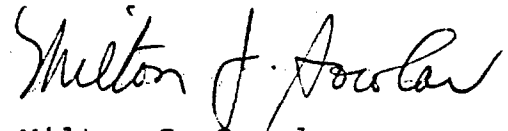
KBM has requested a conference on the protest as provided for in section 20.7 of our Bid Protest Procedures. However, where as here the merits of a protest are not for consideration, we believe that no useful purpose

~~008327~~ 111313
[Protest INVOLVING Proposed IFB
CANCELLATION]

B-196368

2

would be served by holding a conference. Neal R. Gross and Company, Inc., B-194408, August 14, 1979,
79-2 CPD 121.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel